

REMARKS

Claims 1-16 are pending in this application. Claim 1 is the only independent claims.

Reconsideration in view of the following remarks is respectfully solicited.

The Claims Define Patentable Subject Matter

The Office Action makes the following new ground of rejection:

(1) claims 1 and 2 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,249,242 to Sekine et al. (hereafter Sekine).

This rejection is respectfully traversed.

Applicant respectfully submits that the claimed invention is distinguishable from the cited art, Sekine, for at least the following reasons:

The Examiner alleges that Sekine discloses at least two ground conductive layers (21,31) stacked below said antenna pattern (2) with a dielectric layer (14) therebetween. (see Office Action, page 2). Applicant respectfully disagrees with this allegation.

For example, Fig. 5 of Sekine merely discloses an antenna substrate 2 bonded onto the top surface of a base plate 1. Deposited on the antenna substrate 2 are metal patterns 7 and a ground conductor 21. Bonded on the bottom surface of the base plate 1 is a circuit substrate 3 with metal patterns 10 and a ground conductor 31 deposited thereon. In Sekine, an electrical connection between the metal pattern 7 on the antenna substrate 2 and the metal patterns 10 on the circuit substrate 3 is established by means of a center conductor 6 supported by a dielectric 14. (see Sekine, col. 6, lines 20-38; and Fig. 5).

In other words, Sekine merely discloses two ground conductors (21 and 31) with a base plate 1 therebetween. Sekine fails to disclose at least two ground conductors having a dielectric layer therebetween. Instead, Sekine ground conductors (21, 31) are separated by a base plate 1 and Sekine's dielectric 14 is configured off to the side of the ground conductors (21, 31) being located between the lands 22 and 32. (see Sekine, Fig. 5). As such, applicant submits that the

Examiner is misinterpreting Sekine's dielectric 14 as being between the ground conductors 21, 31.

Secondly, applicant submits that Sekine fails to disclose that in at least one ground conductor, a conductor is absent in at least part of a region closer to a waveguide. In fact, Sekine is completely silent about a conductor being absent in at least a part of a region closer to a waveguide. Furthermore, in Fig. 5 of Sekine (the only figure which clearly shows the multi-layer substrate), Sekine fails to show/disclose any region in the ground conductor (21, 31) being absent, instead the ground conductor (21, 31) simply ends at the end point of the base plate 1. Then, Sekine forms lateral surfaces 23 and 33 (electrical conductive layers) in the through hole portions and extend them to form lands 22 and 32 flush with the ground conductors 21 and 31. However, Sekine fails to disclose that a ground conductor is missing a conductor in a region closer to the waveguide.

In addition, Sekine fails to disclose how a waveguide might be configured with the fragmentary sectional view of the transmitter-receiver apparatus of Fig. 5. As such, it goes to follow that Sekine fails to disclose the region with the absent conductor that is closer to such waveguide.

Again, Sekine fails to disclose the waveguide as described in claim 1 of the subject application, and therefore Sekine cannot suggest the features whereby an antenna pattern conveys an electric wave signal carried along the waveguide and a conductor is absent in at least part of a region that is closer to the waveguide than the antenna pattern is.

For at least the reasons noted above, applicant submits that the claimed invention is distinguishable from Sekine, as shown in at least Fig. 5 of Sekine.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not

an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant respectfully submits that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, Sekine, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicant respectfully submits that independent claim1 is allowable over Sekine for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. §102(e) is respectfully solicited.

Conclusion

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

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